CANCELLED

(1) (2) CF 20/05

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

Single Bench

M.C.C. No: 25 /2003

PETITIONER : M/s A.P. Nirman Limited
Through Managing Director,
Shri Gopi Ram Agrawal,
S/o Late Shri A.P. Agrawal,
Aged about 54 years,
Resident of A.P. Bhawan, Korba
Distt : Korba (CG)

-Versus-

RESPONDENTS : 1. Chhattisgarh State Electricity Board,
Through : Chairman,
Chhattisgarh State Electricity Board,
Raipur (Chhattisgarh)

2. Chief Engineer (Civil)
Chhattisgarh State Electricity Board,
Raipur (Chhattisgarh)

3. The Additional Supdtg. Engineer (Civil)
Chhattisgarh State Electricity Board,
Korba (East), Distt: Korba (Chhattisgarh)

P.R. No. 2569/03
Presented by Shri Kamal Aziz
dated 14.11.03

APPLICATION UNDER SECTION 11 (6) OF THE ARBITRATION AND CONCILIATION ACT, 1996 FOR APPOINTMENT OF SOLE ARBITRATOR :

01. **Particulars of the petitioner :**

As stated above in the cause title.

02. **Particulars of the Respondents :**

As stated above in the cause title.

(116)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.C.C. 25/04 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	02-09-2005 Heard Mr. N.K. Agrawal, Sr. Advocate with Mr. Deepak Gupta, Advocate for the petitioner and Mr. Prashant Mishra Sr. Advocate with Mr. V.R. Tiwari, Advocate for the respondents. An agreement was entered into between the petitioner and the respondents where-under the petitioner was to undertake the work of raising of height from RL 303M to 306M Stage-II of permanent Ash Dyke Pond No.2 at Risdi of Korba (East Bank). Some disputes and difference arose between the parties under the said agreement. Clause –27 of the General Conditions of Contract incorporated in the agreement between the parties provided for settlement of all such disputes by an Arbitrator and also laid down the procedure for appointment of an arbitrator. The petitioner has stated in the application that though a request was made to appoint an Arbitrator, the respondents did not appoint an Arbitrator as per the said procedure. The petitioner has therefore prayed for an order to be passed by the Chief Justice appointing an independent and sole Arbitrator to adjudicate upon the disputes between the parties. Sub-section (6) of Section 11 of the Arbitration and Conciliation Act, 1996 provides that where a party fails to act as required under the agreed procedure a party may request the Chief Justice or any person or institution designated by him to take the necessary measure for securing the appointment. Since respondents have failed to act as per the agreed procedure in the General Conditions of Contract for appointment of an Arbitrator, I appoint Shri Justice A.S.V. Moorthy, retired Chief Justice of Chhattisgarh High Court as an Arbitrator to decide the disputes and differences between the parties subject to his consent.	

(11)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.C.C. 25/04 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक / आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Parties have expressed before me that they would like the venue of arbitration to be at Bilaspur for convenience of the parties. I hope the Arbitrator will abide by the said request as far as practicable. Parties are entitled for certified copy of this order Sd/- Chief Justice	

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